

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LAMAR ALFORD,

Petitioner,

v.

WARDEN NEW JERSEY STATE
PRISON,

Respondent.

HONORABLE JEROME B. SIMANDLE

Civil Action
No. 15-5640 (JBS)

OPINION

SIMANDLE, U.S. District Judge:

1. Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on July 20, 2015. Docket Entry 1.

2. The Court reviewed the petition pursuant to the Rules Governing § 2254 Proceedings and ordered Respondent to answer the petition. Order to Answer, Docket Entry 2.

3. Respondent filed its answer on January 20, 2016. Answer, Docket Entry 10. Petitioner submitted a traverse on April 26, 2016. Traverse, Docket Entry 13.

4. Petitioner filed two motions for the appointment of counsel on June 12 and July 10, 2017. Motions for the Appointment of Counsel, Docket Entries 14 & 15.

5. There is no constitutional right to counsel in habeas proceedings. See *Reese v. Fulcomer*, 946 F.2d 247, 263 (3d Cir. 1991), superseded on other grounds by statute, 28 U.S.C. § 2254.

The Court has discretion to appoint counsel for a financially eligible person where "the court determines that the interests of justice so require ..." 18 U.S.C. § 3006A(a)(2)(B).

6. "Under these guidelines, the district court must first decide if the petitioner has presented a nonfrivolous claim and if the appointment of counsel will benefit the petitioner and the court." *Reese*, 946 F.2d at 263-64.

7. Although Petitioner appears to be financially eligible for the appointment of counsel based on his affidavit of indigency, the Court concludes the appointment of counsel is not warranted at this time based on its review of the petition, answer, exhibits, and traverse. If an evidentiary hearing is needed the Court will appoint counsel at that time.

8. An accompanying Order will be entered.

March 26, 2018

Date

s/ Jerome B. Simandle

JEROME B. SIMANDLE
U.S. District Judge